

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CESAR CONTRERAS ARMAS,
Petitioner,
v.
R. BAKER, et al.,
Respondents.

Case No. 3:18-cv-00387-HDM-WGC

ORDER

Petitioner has submitted an application to proceed in forma pauperis (ECF No. 1) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is unable to pay the filing fee.

Petitioner also has submitted a motion for appointment of counsel. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

IT THEREFORE IS ORDERED that the application to proceed in forma pauperis (ECF No. 1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

IT FURTHER IS ORDERED that the clerk of the court shall file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the motion for appointment of counsel.

IT FURTHER IS ORDERED that petitioner's motion for appointment of counsel is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

1 IT FURTHER IS ORDERED that the Federal Public Defender must, within thirty (30)
2 days from the date that this order is entered, undertake direct representation of petitioner or
3 indicate to the court his inability to represent petitioner in these proceedings. If the Federal
4 Public Defender does undertake representation of petitioner, he will then have sixty (60) days to
5 file an amended petition for a writ of habeas corpus, if desired. If the Federal Public Defender is
6 unable to represent petitioner, then the court will appoint alternate counsel.

7 IT FURTHER IS ORDERED that neither the foregoing deadline nor any extension
8 thereof signifies or will signify any implied finding of a basis for tolling during the time period
9 established. Petitioner always remains responsible for calculating the running of the federal
10 limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

11 IT FURTHER IS ORDERED that the clerk add Aaron Ford, Attorney General for the
12 State of Nevada, as counsel for respondents.

13 IT FURTHER IS ORDERED that the clerk electronically serve both the Attorney General
14 of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this
15 order.

16 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance
17 within twenty (20) days of entry of this order, but no further response will be required from
18 respondents until further order of the court.

19 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g) paper copies
20 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,
21 unless later directed by the Court.

22 || DATED: April 15, 2019

Howard D. McKibben

HOWARD D. MCKIBBEN
United States District Judge